

RESOLUTION NO. 020284

A.P.# 009-401-007-000

In the matter of the application of  
**Doug Johnson (PLN020284)**

FINDINGS & DECISION

for a Variance to Section , in accordance with Title 20 (Zoning) Chapter 20.78 (Variances) of the Monterey County Code, to exceed the 18 foot height limit; a Variance to exceed 45% floor area ratio; a Variance to exceed 35% lot coverage for an 88 sq. ft. second-story bathroom addition to an existing two-story single family dwelling and removal of an existing 215 sq. ft. enclosed sunroom; and Design Approval (removal of the sunroom will result in a net reduction of lot coverage from 44% to 38% and FAR from 70% to 65%), located at 2496 San Antonio Avenue, Carmel fronting on San Antonio Avenue between Santa Lucia Avenue and 14<sup>th</sup> Avenue, Carmel area, Coastal Zone, came on regularly for hearing before the Zoning Administrator on September 26, 2002.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto, now makes the following findings and decision:

FINDINGS OF FACT

- CONSISTENCY FINDING:** The Project, as conditioned is consistent with Carmel Area Land Use Plan, Monterey County Coastal Implementation Plan (Part 4) for the Carmel Area, Part 6 of the Coastal Implementation Plan and the requirements and standards of the Monterey County Zoning Ordinance (Title 20) which designates this area as appropriate for residential development.

**EVIDENCE:** PBI staff have reviewed the project as contained in the application and accompanying materials for consistency with the Carmel Area Land Use Plan, Monterey County Coastal Implementation Plan (Part 4) for the Carmel Area, and Part 6 of the Coastal Implementation Plan. PBI staff have reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Zoning Ordinance (Title 20) and have determined that the project is consistent with the Carmel Area Land Use Plan which designates this area as appropriate for residential development.

**EVIDENCE:** Project planner conducted an on-site inspection on August 19, 2002 to verify that the project on the subject parcel conforms to the plans listed above.

**EVIDENCE:** The project, which is an addition to an existing residence, is an allowed use in accordance with Section 20.12.040.

**EVIDENCE:** The parcel is zoned Medium Density Residential, Design Control District, 18-foot height limitation ("MDR/2-D (18)"). Except for the variance request, the proposed development is in compliance with Site Development Standards in accordance with Section 21.10.060.

**EVIDENCE:** The existing residence is legal nonconforming and the proposed project will not increase the nonconformity. In fact, the degree of nonconformity will be somewhat lessened by reducing lot coverage from 44% to 38% and floor area ratio from 70% to 65%.

**EVIDENCE:** The Carmel Highlands/Unincorporated Land Use Advisory Committee recommended approval of the project on August 19, 2002 by a vote of 7 for and 0 “D against.

**EVIDENCE:** Materials and documents in Planning and Building Inspection File No. 020284.

2. **NO VIOLATIONS FINDING:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County’s zoning ordinance. No violations exist on the property, and all zoning violation abatement cost, if any, have been paid.

**EVIDENCE:** Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations that exist on subject property.

3. **HEALTH AND SAFETY FINDING:** The establishment, maintenance or operation of the Use/project applied for will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

**EVIDENCE:** The project was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, Cypress Fire District, Public Works Department, and Water Resources Agency. The respective departments and agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood. The applicant has agreed to these conditions as evidenced by the application and accompanying materials and conditions.

4. **SITE SUITABILITY FINDING:** The site is suitable for the use proposed.

**EVIDENCE:** Site visit by staff on August 19, 2002.

**EVIDENCE:** The project has been reviewed for suitability by the Department of Planning and Building Inspection, Environmental Health Division, Cypress Fire District, Public Works Department, and Water Resources Agency. Conditions recommended have been incorporated.

**EVIDENCE:** The project received an archaeological waiver because it is located in a highly disturbed area with no possible recovery of resources.

**EVIDENCE:** Necessary public facilities are available.

**EVIDENCE:** Materials and documents in Planning and Building Inspection File No. 020024.

5. **CEQA FINDING:** The project is exempt from environmental review and will not have a significant environmental impact.

**EVIDENCE:** CEQA Guidelines section 15301 categorically exempts the minor alteration of existing structures.

**EVIDENCE:** No adverse environmental effects were identified during staff review of the development application during site visit on August 19, 2002.

6. **VARIANCE - SPECIAL CIRCUMSTANCES FINDING:** There are special circumstances applicable to the subject property related to all three variance applications described in Finding #1, including size, shape, topography, location or surroundings, that the strict application of Title 20 would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

**EVIDENCE:** Special circumstances for the height variance exist because the addition occurs in an existing nonconforming structure and improvements are necessary in order to bring the bathroom up to building code standards. Although the subject project is also nonconforming to lot coverage and floor area ratio standards, demolition of the sunroom will reduce the degree of nonconformity. Demolition of an existing enclosed 215 sq. ft. sunroom which will result in a net reduction in lot coverage from 1,713 sq. ft. to 1,501 sq. ft. and floor area ratio from 2,693 sq. ft. to 2,561 sq. ft., while the 88 sq. ft. bathroom addition will not increase the existing nonconforming 21-foot height of the second story. In addition, the subject property was built before current regulations for height, coverage and floor area ratio went into effect.

7. **VARIANCE - SPECIAL PRIVILEGES FINDING:** The variance request for the project described in Finding #1 does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and identical zoning classification in which such property is situated.

**EVIDENCE:** Variances have been granted previously to properties in the neighborhood and under the same zoning classification. Eckles and Wong (PLN970555) were allowed a height variance for an addition to an existing two-story single family dwelling that already exceeded the 18-foot height limitation. Depree (ZA93062) was granted a variance to exceed lot coverage and floor area ratio for a project which resulted in an overall net reduction.

8. **VARIANCE - AUTHORIZED USE FINDING:** The Variance does not grant a use or activity that is not otherwise expressly authorized by the zone regulation governing the parcel of property.

**EVIDENCE:** The proposed use, a single family dwelling, is allowed per Section 20.12.040.A, Principal Allowed Uses for Medium Density Residential zoning district.

## DECISION

THEREFORE, it is the decision of said Zoning Administrator that said application for Variance be granted as shown on the attached sketch, and subject to the following conditions:

1. The subject permit includes a Variance to exceed the 18-foot height limitation; a Variance to exceed 35% lot coverage; a Variance to exceed 45% Floor Area Ratio; and Design Approval. The residence is existing nonconforming and the project will result in a net reduction of lot coverage from 44% to 38% and floor area ratio from 70% to 65%. The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the

terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. **(Planning and Building Inspection)**

**Prior to the Issuance of Grading and Building Permits:**

2. The applicant shall record a notice which states: "Three Variances for (Resolution 020284) were approved by the Zoning Administrator for Assessor's Parcel Number 009-401-007-000 on September 26, 2002. The permit was granted subject to 12 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection)**
3. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. **(Planning and Building Inspection)**
4. No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
5. Prior to issuance of a building permit, the applicant shall obtain from the Monterey County Water Resources Agency (MCWRA), proof of water availability on the property in the form of an approved Water Release Form. **(Water Resources Agency)**
6. Size of letters, numbers and symbols for addresses shall be a minimum of 4" letter height, 3/8" stroke, and contrasting with the background colors of the sign **(Fire District)**
7. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located. **(Fire District)**
8. The building(s) shall be fully protected with automatic fire sprinkler system(s). The following notation is required on the plans when a building permit is applied for:

"The building shall be fully protected with an automatic fire sprinkler system. Installation, approval and maintenance shall be in compliance with applicable National Fire Protection Association and/or Uniform Building Code Standards, the editions of which shall be determined by the enforcing jurisdiction. Four (4) sets of plans for fire sprinkler systems must be submitted and approved prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection." **(Fire District)**

**Prior to Final Building Inspection/Occupancy:**

9. The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
  - a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.
  - b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. **(Water Resources Agency & Planning and Building Inspection)**
10. The site shall be landscaped. At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, specie, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. **(Planning and Building Inspection)**

**Continuous Permit Conditions:**

11. All landscaped areas and/or fences shall be continuously maintained by the property owner and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**
12. If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. **(Planning and Building Inspection)**

**PASSED AND ADOPTED** this **26th** day of **September**, 2002.

Original Signed By:

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LYNNE MOUNDAY  
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY TO THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE BOARD OF SUPERVISORS. IT IS NOT APPEALABLE TO THE COASTAL COMMISSION.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Salinas.

2. This permit expires two years after the above date of granting thereof unless construction or use is started within this period.